

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : James R. WASON

Group Art Unit: 2176

Appln. No. : 10/606,547

Examiner: Maikhanh Nguyen

Filed : June 26, 2003

Confirmation No.: 5225

For : RICH TEXT HANDLING FOR A WEB APPLICATION

**REQUEST FOR PRE-APPEAL BRIEF REVIEW**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This request is being filed concurrently with a Notice of Appeal and is responsive to the Final Office Action of September 15, 2006, the period for response being December 15, 2006. Should any fees be deemed necessary, the undersigned authorizes the charging of any fees, including extensions of time fees, to Deposit Account No. 09-0457 in order to maintain pendency of this application.

***A prima facie case of unpatentability has not been set forth and the Rejections Under 35 U.S.C. § 103(a) Are Improper***

**Examiner's Assertion:**

The Examiner asserts that U.S. Patent 6,480,206 issued to Prinzing (Prinzing '206) in view of U.S. Patent 6,470,364 issued to Prinzing (Prinzing '364) teaches or suggests all of the features of claims 1 – 15, 19, 20, 24 – 31, 33 – 35, 43 – 45 and 47 – 50. Specifically, the Examiner asserts Prinzing '206 in view of Prinzing '364 teaches or suggests, amongst other features:

- (i) a method of representing and managing rich text for use by Web based applications and browsers as implemented in a machine, comprising: providing one or more classes for use by the applications to at least create and manage one or more rich text nodes in a memory structure representation of rich text, as recited in claim 1;
- (ii) a method of representing and managing a document having rich text for use by Web based applications and browsers as implemented in a machine, comprising representing rich text in a memory structure representation and providing one or more classes for use by the applications to create the memory structure representation, as recited in claim 24;
- (iii) an apparatus for providing a means for representing and managing rich text for use by Web based applications and browsers, comprising a component representing rich text in a memory structure representation, and a component providing one or more classes for use by the Web based applications and browsers to create the memory structure representation, as recited in claim 43; and
- (iv) a computer product comprising a first computer program code to provide one or more classes for use by Web based applications and browsers to at least create and manage one or more rich text nodes in a memory structure representation representative of rich text, as recited in claim 48.

**Applicant's Reply:**

Applicant does not agree with the Examiner. Even assuming *arguendo* that it would have been obvious to combine the two Prinzing references, which Applicant does not concede, such a combination does not teach or suggest all of the features of the independent claims. For

example, the combination of references does not teach or suggest a Web based application or browser, in combination with the remaining features of the respective independent claims.

As acknowledged by the Examiner, Prinzing '206 does not teach or suggest a Web based application or browser. However, it is Applicant's opinion that this feature is also not taught or suggested by Prinzing '364. Specifically, the cited portions of Prinzing '364 do not teach the use of Web based applications or browsers. Rather, Prinzing '364 discloses the different types of text that may be used in the GUI application. By listing such types of text, including Java source code and HTML source code, though, Prinzing '364 does not teach the feature "representing and managing rich text for use by Web based applications and browsers." Rather, the cited portion of Prinzing '364 is silent as to whether such a GUI application using Java or other source code is on a stand-alone computer, or connected to a network, much less is a Web based application or a browser. Additionally, although Prinzing '364 does teach that "a new editor kit can be downloaded from a server on the Internet," this passage does not teach that the new editor kit itself is a Web based application or browser. In fact, that Prinzing '364 teaches that the new editor kit can be "downloaded" suggests that the new editor kit is not in fact a Web based application or browser, but rather, is resident and functions on the user's computer, not through the internet.

As should be understood by those of skill in the art, a Web based application is an application that is used in an online environment and a browser is a software application that enables a user to display and interact with text, images, and other information typically located on a web page at a website on the World Wide Web or a local area network. This is in contrast to a non-Web based application, which is resident and functions on a user's stand-alone computer, as disclosed in Prinzing '364.

Specifically, Prinzing '364 discloses a GUI editor application that generates a text component corresponding to a selectable user interface style (e.g., Windows user interface style, MacIntosh user interface style, or Motif user interface style) and the type of content associated with the text component (e.g., Java, RTF, or HTML). Further, Prinzing '364 discloses the use of editor kits, which are dependent upon the type of content associated with the text component (e.g., Java editor kit, RTF editor kit, or HTML editor kit). As discussed below, these

applications are not Web based applications or browsers, as they are merely GUI editor applications resident on a stand-alone computer in a non-Web based or non-browser environment.

By way of explanation, a text editor is a software application used for editing plain text. An HTML editor is an editing interface software application for creating and editing HTML code. Moreover, the HTML editor is a basic text editor with extra functionality for the creation and manipulation of HTML code. The extra functionality provided by an HTML editor kit, provides templates, toolbars and keyboard shortcuts in the GUI application to allow a programmer to quickly insert common HTML elements and structures and compile an HTML file from within the editor. Thus, an HTML editor is a GUI programming software application that allows a programmer to more easily write and edit HTML code. More specifically, instead of writing HTML code manually line by line, the HTML editor provides an interface allowing a programmer to more easily create and edit HTML code (e.g., allowing a programmer to cut and paste HTML code, quickly insert common HTML code elements, highlight source code syntax, etc.) using templates, toolbars and keyboard shortcuts.

Applicant submits that the text editor, and more specifically the HTML text editor, disclosed in Prinzing '364 is not a Web based application or a browser, as the Examiner asserts. Rather, Prinzing '364 discloses an GUI text editor application for editing, e.g., HTML programming language. While the output of the GUI text editor application disclosed in Prinzing '364 may ultimately be utilized by a Web based application or browser, the GUI text editor application itself is not a Web based application or a browser. For these reasons, Applicants submit that any proper combination of Prinzing '206 and '364 would not teach all the features of at least claims 1, 24, 43 and 48.

**Examiner's Assertion:**

Additionally, claims 21 – 23, 32 and 46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Prinzing '206 in view of Prinzing '364 and U.S. Patent 6,085,206 issued to Domini et al. (Domini).

**Applicant's Reply:**

Even assuming *arguendo* that it would have been obvious to combine the two Prinzing references and Domini, which Applicant does not concede, such a combination does not teach or suggest all of the features of the independent claims, as set forth above. As the Examiner cited Domini merely for a teaching of features of dependent claims 21- 23 , 32 and 46, Applicant submits Domini does not teach or suggest representing and managing rich text for use by Web based applications and browsers. Thus, Domini does not cure the above-noted deficiencies of the rejection of independent claims 1, 24 and 43. For these reasons, Applicants submit that any proper combination of Prinzing '206, Prinzing '364 and Domini would not teach all the features of claims 21 – 23, 32 and 46.

**Conclusion**

Accordingly, Applicant respectfully requests that the Examiner's decision to finally reject claims 1– 15, 19-35<sup>1</sup> and 43-50 be withdrawn and the application be returned to the Examiner for allowance.

Respectfully submitted,  
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<sup>1</sup> Applicant notes that claims 36-38 are objected to.